



London Borough of Richmond Upon Thames
Planning Services
Civic Centre
44 York Street
Twickenham
TW1 3BZ

24 July 2023

Dear Sir/Madam,

**REPRESENTATIONS TO THE RICHMOND LOCAL PLAN ‘THE BEST OF OUR BOROUGH’
(REG. 19) DRAFT FOR CONSULTATION**

On behalf of Sainsbury’s Supermarkets Limited (SSL), we write in response to the consultation of the new Local Plan prepared by the London Borough of Richmond Upon Thames under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

We have reviewed the Regulation 19 draft version of the new Richmond Local Plan. We are pleased to see that part of our previous representations to the Regulation 18 consultation in respect of emerging site allocations at the St Clares Superstore (Site Allocation 5) and the Richmond Superstore (Site Allocation 29), dated 21 January 2022, have been addressed.

However, there are still outstanding matters that have not been addressed that need to be reconciled in future versions of the emerging Local Plan.

Draft Site Allocation 4 - Car Park for Sainsburys, Uxbridge Road, Hampton

In our previous Regulation 18 representations we were supportive of the allocation’s removal from MOL land designation and the reprovision of the car park and Petrol Filling Station (PFS).

However, we requested that the allocation remove reference to 100% affordable housing provision and recommended that the affordable housing levels set out in draft policy 11 should apply to the site.

Unfortunately, the current draft allocation remains unchanged and we strongly suggest that the Council reconsiders this as the Plan will be unsound for the following reasons.

Firstly, the draft allocation still states that “the exceptional circumstances” justifying the MOL release are set out under Policy 11 to meet the identified affordable housing needs of residents and, therefore, any future development scheme coming forward for this site should deliver 100% on-site affordable housing.

In short, the drafting states that the development of the site for affordable housing is the exceptional circumstance justifying the site’s removal from MOL.

This is not correct. The tenure of the residential units has nothing to do with the exceptional circumstances justifying removal from MOL. The exceptional circumstances which allow the site's removal from MOL is the fact that it is an existing foodstore car park and PFS.

The council's own evidence base provides the justification for the removal of the site from MOL. The 'Metropolitan Open Land Review Annex Report', dated 26th August 2021, prepared by Arup, identifies the Sainsbury's car park site as forming part of MOL 'Parcel 1' which is known as 'Longford E and Schools'. Against the London Plan MOL criteria the northern tip of Parcel 1, where the Sainsbury's car park is located, scores weakly.

For criterion 1, 'contributes to the physical structure of London by being clearly distinguishable from the built-up area' this part of the parcel is noted as being "*completely eroded and therefore scores weak (1)*".

For criterion 2, 'includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London' this part of the parcel is noted as being the "*developed northern tip and inaccessible Longford River corridor offers no open-air facilities*".

For criterion 3, 'contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value' there is no public access or public right of way but the Longford River is designated as a SINC and so the parcel scores weak moderate (2) for this criterion.

For criterion 4, 'forms part of a strategic corridor, node or link in the network of green infrastructure and meets one of the above criteria' the site is noted for "*hard standing in the northern tip is likely to provide no wildlife value*".

Overall, the Parcel 1 is considered to meet its MOL purposes, but the report says "*however, the developed northern tip and the northern part of the Longford River performs weakly against all MOL criteria*" and "*it is recommended the MOL status of the developed northern part of the parcel, and the northern part of the Longford River without adjacent green space is considered further*".

This evidence base document is the justification and demonstration of an exceptional circumstance to allow the site's removal from the MOL.

The site's designation as MOL is a historical oversight and needs to be rectified regardless of future development. In addition, the requirement for 100% affordable is not sufficiently justified, nor is it viable, and it is contrary to the draft policy 11 on affordable housing, which does not require 100% affordable housing.

We also requested to remove all references to requiring 20% biodiversity net gain (BNG). The references should be amended to require 10% BNG, in accordance with The Environment Act 2021.

The draft site allocation has also retained a 20% measurable (BNG) requirement towards restoring the Longford River wildlife corridor in accordance with the Richmond Biodiversity Action Plan.

While the Richmond Biodiversity Action Plan seeks a net gain of specific habitats it does not specify 20%. The 20% requirement comes from emerging Policy 39 which seeks 20% BNG. This is double the requirement sought through the Environment Act 2021 and there is no justification as to why double the statutory requirement is sought. Previously, we stated that emerging Policy 39 is unsound. Policy 39 should be amended to reflect the requirements of the Environment Act. The



allocation should also be amended to refer to 10% BNG to align with the requirements of the Environment Act and to ensure the viability of future development.

Draft Site Allocation 30 - Sainsburys, Lower Richmond Road, Richmond

Our previous Regulation 18 representations stated that the draft allocation should include a requirement to provide adequate car parking provision and servicing areas. We are pleased to see that the Regulation 19 draft includes a requirement to provide adequate car parking in line with London Plan standards. However, we reiterate that the site allocation should state the need to provide adequate servicing areas and operational land as well. This is to ensure that future commercial uses on site can operate efficiently and without impediment.

In summary, it is vitally important that the draft allocation is updated to include a requirement to provide adequate servicing areas.

Summary

In summary, the proposed allocations of the two Sainsbury's sites (Draft allocations 4 and 30) are still unacceptable as drafted. The current wording makes the Plan unsound.

Moving forward, the emerging Local Plan for submission should include the following:

- Allocation 4 – Reword the reasoning for the site being removed from MOL designation. The current wording is not correct and is misleading as it ties removal from MOL with future housing provision which is not the case. MOL removal is due to the site's existing use as a foodstore car park and petrol filling station.
- Allocation 4 – Remove reference to 100% affordable housing requirement and replace with affordable housing levels set out in draft policy 11.
- Allocation 4 – Remove reference to 20% BNG. The requirement for BNG should reflect Policy 39, which itself should be amended to require 10% BNG, in accordance with The Environment Act 2021.
- Allocation 30 – include reference to provision of adequate servicing areas and operational land.
- Policy 39 should be amended to refer to BNG of 10% in accordance with the Environment Act 2021.

We trust that these proposed amendments will be incorporated in the next iteration of the Local Plan. Sainsbury's are a major investor and employer in the Borough, and we hope that the council will take this opportunity to engage constructively with them.

We look forward to hearing from you.

Yours faithfully

Anna Stott

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Local Plan Publication Consultation

From 9 June 2023 to 24 July 2023

RESPONSE FORM

The Council is inviting comments on the Publication version of the Local Plan.

The Local Plan sets out a 15-year strategic vision, objectives and the spatial strategy. The draft Plan includes place-based strategies covering the whole borough, along with accompanying site allocations, as well as the thematic planning policies that will guide future development in the borough. It will inform how growth will be accommodated across the borough. The draft Plan seeks to address future challenges including climate change, health, affordability and liveability.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes available on the website (via the link below).

How to respond

Please read the consultation documents and other background information made available on the Local Plan website: www.richmond.gov.uk/draft_local_plan_publication_version

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to LocalPlan@richmond.gov.uk
- Post a hard copy of the form to Spatial Planning and Design, LB Richmond upon Thames, Civic Centre, 44 York Street, Twickenham, TW1 3BZ.

Alternatively, you can make comments on the draft Local Plan **online via our Consultation Portal**, which is accessible at the website listed above.

All responses must be received by 11:59pm on Monday 24 July 2023. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

This form has two parts:

- Part A – Personal details and about you
- Part B – Your detailed response(s).

Part A: Personal Details		
	1. Personal Details *	2. Agent's Details (if applicable)
Title	Mr	Ms
First name	Bruno	Anna
Last name	Moore	Stott
Job title (where relevant)		
Organisation (where relevant)	Sainsbury's Supermarkets Ltd	WSP UK Ltd
Address		70 Chancery Lane London
Postcode		WC2A 1AF
Telephone		
E-mail address		

*If an agent is appointed, please complete only the title, name and organisation boxes but complete the full contact details of the agent.

Data protection

The Council is committed to ensuring that personal data is processed in line with the General Data Protection Regulation (GDPR) data protection principles including keeping data secure.

The Council's Privacy Notice is published on the webpage www.richmond.gov.uk/data_protection

All responses will be held by the London Borough of Richmond upon Thames. Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

If you submit comments, the consultation responses and your personal data will be passed to the Planning Inspectorate and a Programme Officer. The Programme Officer manages the procedural and administrative aspects of the examination. The Programme Officer will contact you using the personal information you have provided if you have indicated in the response form your wish to engage in the Examination.

Part B: Your Response

3. To which part(s) of the draft Local Plan does your response relate to?

Please indicate the documents **and** the specific paragraph numbers, policy or site allocation numbers and names, maps or tables you are commenting on.

Documents		Sections	
Publication Local Plan (including changes to the Policies Map designations)	<input checked="" type="checkbox"/>	Page number(s)	Please refer to letter
		Paragraph number(s)	
		Policy no./name	
		Place-based strategy	
		Site Allocation(s) no./ name	
		Maps	
		Tables	
Sustainability Appraisal Report	<input type="checkbox"/>	Page number(s)	
		Paragraph number(s)	
Other (for example an omission or alternative approach)	<input type="checkbox"/>		

4. Do you consider the Local Plan is:

4.1 Legally compliant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2 Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.3 Complies with the Duty to Co-operate	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Further information on these terms is included within the accompanying guidance note, which can be found on the website at www.richmond.gov.uk/draft_local_plan_publication_version

If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.

5. Do you consider the Local Plan is unsound because it is not:

5.1 Positively Prepared	<input type="checkbox"/>
5.2 Justified	<input checked="" type="checkbox"/>
5.3 Effective	<input type="checkbox"/>
5.4 Consistent with national policy	<input checked="" type="checkbox"/>

6. Please give details of why you consider the Local Plan is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

Please refer to supporting representations letter dated 24 July 2023.

Please continue on a separate sheet / expand box if necessary.

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 6 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

Please refer to supporting representations letter dated 24 July 2023.

Please continue on a separate sheet / expand box if necessary.

8. Do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)

No, I do not wish to participate
In hearing session(s)

Yes, I wish to participate
In hearing session(s)

X

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Please continue on a separate sheet / expand box if necessary.

10. If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:
For electronic responses a typed signature is acceptable.

A. Stott

Date:

24.07.23